IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 322 OF 2005

Pramod Narsinghbhai Chauhan ...Petitioner

Versus

State of Maharashtra & Ors. ...Respondents

.....

Mr. D.B. Sawant, counsel for Petitioner

Mr. A.H. Palekar, A.G.P. for Respondents 1 to 3.

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CORAM: B. H. MARLAPALLE, J.

DATED: 3RD FEBRUARY, 2005

P.C.:-

1. Heard the learned counsel for the petitioner and the learned A.G.P. for the respondents.

2. Admittedly, Appeal No. 462 of 2004 filed by the petitioner is pending before the Commissioner, State Excise. The grievance raised in this petition is limited to the extent that in the pending appeal the prayer for interim relief has not yet been considered. However, from the communication dated 16.12.2004 it appears that 15 days time was granted for deposit an amount of Rs.2,96,500/-, it is clear that the prayer for interim stay in the appeal has not yet been adjudicated upon.

3. It is therefore, directed that the lower appellate authority will consider the prayer for interim stay to the order passed by the Collector on 1.12.2004 on its own merits and pass an appropriate order after hearing the petitioner as expeditiously as possible and in any case within a period of four weeks from today, if the said has not yet been turned down by a specific order passed by the lower appellate authority.

4. The petition is disposed of in terms of the above order.

5. The learned A.G.P. to communicate this order to the lower appellate authority forthwith.